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# Alternative Sentencing Necessary for Female Inmates With Children

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**L**ike the old peace song of the '60s said, "When will they ever learn? When will they ever learn?" Let's look at the facts regarding female inmates; we can describe the no-win policy the U.S. corrections system is following by merely looking at the figures.

The growth in incarceration rates has been greater for women and minorities since 1980. From 1980 to 1996, the incarceration rate among females rose nearly fivefold, from 11 female inmates per 100,000 to 51 per 100,000. "Despite this faster rate of growth, female inmates account for a small percentage of all inmates in the United States, only 6.1 percent at year-end in 1996, and 6.8 percent of the total in 2000, up from 3.9 percent in 1980."<sup>1</sup> In addition, most of the offenses that incarcerated women have committed are nonviolent. Researchers Alfred Blumstein and Allen J. Beck go on to say that the major category that has contributed to the increase in incarceration for women is drug offenses, which has increased their incarceration at a compounded annual rate of approximately 20 percent from 1980 to 1996. Public order offenses, namely weapons and immigration violations, also rose sharply during the same period, representing the second highest category of growth rate of offenses for women and minorities.

It is a common understanding among criminologists and corrections professionals that offenders who com-

mit property crimes do not usually need to be incarcerated, as they are not a violent threat to society. In fact, they are the candidates most likely to respond to rehabilitation efforts at residences of lesser security and considerably less cost per individual to society. Furthermore, sentenced offenders can learn far more about personal responsibility and accountability at lower-security rehabilitation programs than they will ever be exposed to in prison. The cost of housing men or women in prison runs about \$28,000 per inmate per year,<sup>2</sup> and it is virtually impossible to put them through a truly effective drug and alcohol treatment program while fully incarcerated. The atmosphere of lockup and danger to inmates when sharing intimate problems mitigates against a rehabilitative atmosphere. Yet, 70 percent to 80 percent of inmates have a need for drug and alcohol treatment and education. Compare this with a Diversion to Intermediate Sanctions Program, which costs \$18,000 per inmate per year (providing a 36 percent cost savings over incarceration) and specializes in drug and alcohol treatment. The average length of such a program is 18 months, as compared with an average of five years and two months for all felony offenses imposed by state courts; four years and three months for drug offenses; and three years for property offenses.<sup>3</sup> According to the Bureau of Justice Statistics, the total cost of all corrections (national,

state and local) per year was more than \$43.5 billion in 1997. With budgets tight both nationally and at the state level, it would seem policies should be rethought to create any savings possible.

The reason that there has been such an increase in incarcerated females is the change in sentencing laws passed by legislatures during the past two decades — the so-called sentencing reform acts. It used to be that judges were inclined to restrict the use of incarceration of both men and women who had family responsibilities. But now, the sentencing reform guidelines make that either less likely or impossible in some cases. According to researchers John Hagan and Ronit Dinovitzer, in recent years, judges seem to be imposing the same standards on men and women by disregarding the greater family responsibilities of women for children in families. "The result is that the number of mothers of children who are being incarcerated is growing ... and researchers increasingly express concern about this."<sup>4</sup>

## Collateral Damage

This raises a particularly serious concern for the long run because of the implications, not only for the children and their parents, but also for society as a whole. In today's language, the concern is about what kind of "collateral damage" is being done to the children of these imprisoned parents. Because of the growing numbers of mothers being incarcerated for years

at a time, there is a group of individuals whose lives have been grossly interfered with that few people stop to think about — the young people. Their lives are disrupted and damaged by the separation from imprisoned mothers and fathers. It is especially true when a mother is incarcerated that it is often uncertain who will care for her children. When fathers are incarcerated, there is usually a mother left at home to care for the children. However, when mothers are incarcerated, there is not usually a father in the home.

This situation is further exacerbated by the fact that there are fewer women's prisons. Therefore, there is a greater risk that female offenders will be incarcerated at a greater distance from their children than males. According to Hagan and Dinovitzer, an average female inmate is more than 160 miles farther from her family than a male inmate and at least half the children of imprisoned mothers have either not seen or not visited their mothers since they were incarcerated. This low rate of contact between mother and child tends to break down family relationships, which causes psychological and emotional damage both to the child and to the incarcerated mother. This low rate of contact has another negative consequence, as studies show that the maintenance of strong family ties during incarceration tends to lower recidivism rates, and that "on the whole, prison inmates with family ties during imprisonment do better on release than those without them."<sup>5</sup>

The damage done to the children is probably more serious than to the adult when a parent is imprisoned. A number of children display symptoms of post-traumatic stress disorder, namely depression, feelings of anger and guilt, flashbacks about their mother's crimes or arrests, and the experience of hearing their mother's voice.<sup>6</sup> Hagan and Dinovitzer go on to say that "the trauma that these children experience due to an early separation from their primary caregiver and the difficult life that follows impact their mental health." Children of incarcerated mothers display other negative effects such as school-related difficulties, depression, low self-esteem, aggressive behavior and general emotional dysfunction. Hagan and Dinovitzer

note one study of children of incarcerated mothers in which 40 percent of the boys ages 12 to 17 were delinquent, while the rate of teenage pregnancy among female children was 60 percent.

The general effects on a child who is separated from an incarcerated parent, especially the mother, is that this circumstance tends to interfere with the child's ability to successfully master developmental tasks and overcome the effects of such an enduring trauma of parent-child separation. Frequently, the children are often left with a caregiving arrangement that is inadequate, unreliable or irregular, and this causes further long-term damage to the development of the character and personality of the child. Because of these deprivations and traumas, children of incarcerated parents may be six times more likely than their counterparts to become incarcerated themselves, according to Hagan and Dinovitzer. This unwanted, unanticipated effect is part of the collateral damage not only to the child, but also for society as a whole because of the intergenerational transmission of risks of imprisonment.

Some may think that the children of drug abusers, alcoholics and property criminals might be better off growing up without their influence, but this is not what studies show. It is more likely that imprisonment of parents is more harmful to children, even when they come from dysfunctional families. Imprisoning parents is more likely to compound, than to mitigate, pre-existing family problems. Once the parent is removed from the household, the quality of alternative care arrangements for the children may be worse, which only enhances the trauma of separation.<sup>7</sup>

## Special Needs Of Female Offenders

Upon intake, there are gender-specific needs prison staff must perform for accurate and meaningful classification regarding female offenders, such as needs related to children, histories of spousal and child sexual abuse, job training, etc. Management styles for administrators of women's facilities need to differ in order to address female offenders' behavioral patterns since the inmates tend to be more emotional and develop more social

relationships within prison than men do. It is more appropriate to employ alternatives to incarceration for more female offenders, as they tend to be nonviolent and not a threat to society. On the other hand, they have more emotional and mental health problems that need to be addressed in a holistic manner and these can be better met in small, community-based settings. More comprehensive programs are needed for women that address their past histories of abuse and their own substance abuse.

Programs that are most effective include a combination of substance abuse programs, work training programs, parenting classes, child visitation programs, work release and a variety of transition, aftercare, education and health programs. The most appropriate staff for facilities for female offenders are women who provide strong female role models. Female offenders need to be able to form supportive peer networks and have programs that address their particular experiences as victims of child sexual abuse, domestic violence and as parents of children who have been in negative relationships with men. They need to have their substance abuse habits addressed along with mental health services to address their past histories of abuse, low self-esteem and tendencies to get into negative and self-defeating relationships. When this combination of needs is addressed for female offenders, there is a likelihood of recidivism reduction.<sup>8</sup>

So if social leaders and policy-makers were to think about this situation, they would understand that the recent practice of locking up more women who are mothers of minor children is extremely damaging and costly for society. It damages both the children during their developmental stages and their parent. The children are more likely to enter into the criminal justice system than their peers who do not have incarcerated parents, and the mother who is separated from her child is more likely to recidivate herself. Therefore, the current practice is actually one that is geared to unintentionally send more people into the criminal justice system, potentially to be locked up, at an exponential rate. This would cost society untold billions within the next generation. The current cost for incarcerated inmates in our nation is

more than \$30 billion per year. Multiply that by four or five, and it can be seen that this will lead to an out-of-control situation.

It is ironic that the answer to decreasing the problem of the growing incarceration of women is both more humane, more effective and less costly. The solution is to put as many nonviolent, drug-related offenders into halfway houses or community-based drug treatment programs that address their past histories, as well as their current behaviors, and teaches them accountability. This leads to greater success rates and keeps offenders in the community closer to their children, giving them a much better chance of not re-entering that revolving door. With greater accessibility to their children, both mother and child will have a

much better chance of learning healthy behaviors and knitting together a family life that is positive upon release. Some of the research and training that the National Institute of Corrections has sponsored has contributed to these findings and the indications of improved and more effective policies are self-evident.

## ENDNOTES

<sup>1</sup> Blumstein, A. and A.J. Beck, 1999. Population growth in U.S. prisons, 1980-1996. In *Prisons, crime and justice*, eds. M. Tonry and J. Petersilia, 22-23. Chicago: University of Chicago Press.

<sup>2</sup> Cypser, R.J. *The payoff in reducing recidivism, and thereby reducing crime and cost*. New York Chapter of Citizens United for the Rehabilitation of Errants. Available at [www.bestweb.net/~cureny](http://www.bestweb.net/~cureny).

<sup>3</sup> Maguire, K. and A.L. Pastore. 2001. *Sourcebook of criminal justice statistics 2000*. Bureau of Justice Statistics, U.S. Department of Justice, Office of Justice Programs.

<sup>4</sup> Hagan, J. and R. Dinovitzer. 1999. Collateral consequences of imprisonment for children, communities, and prisoners. In *Prisons, crime and justice*, eds. M. Tonry and J. Petersilia, 125-147. Chicago: University of Chicago Press.

<sup>5</sup> Hagan, J. and R. Dinovitzer. 1999.

<sup>6</sup> Hagan, J. and R. Dinovitzer. 1999.

<sup>7</sup> Hagan, J. and R. Dinovitzer. 1999.

<sup>8</sup> Morash, M., T.S. Bynum and B.A. Koons. 1998. *Women offenders: Programming needs and promising approaches*, Research in Brief series, U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. ♦